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99TH CONGRESS
2d Session

SENATE

REPORT
99-365

H 210

PROVIDING FOR THE EXCHANGE OF LAND FOR THE CAPE HENRY MEMORIAL SITE IN FORT STORY, VIRGINIA

AUGUST 1 (legislative day, JULY 28), 1986.—Ordered to be printed

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Mr. MCCLURE, from the Committee on Energy and Natural Resources, submitted the following

REPORT

ORIGINAL

[To accompany H.R. 3556]

The Committee on Energy and Natural Resources, to which was referred the act (H.R. 3556) to provide for the exchange of land for the Cape Henry Memorial site in Fort Story, Virginia, having considered the same, reports favorably thereon without amendment and recommends that the act do pass.

PURPOSE OF THE MEASURE

H.R. 3556, as reported, would authorize a land exchange between the Secretary of the Interior and the Secretary of the Army for the purpose of relocating the Cape Henry Memorial Cross.

BACKGROUND AND NEED

The Cape Henry Memorial Cross commemorates the first landing of the colonists who later established the Jamestown Colony in 1607. The Memorial Cross was transferred from the Department of the Army to the Department of the Interior in 1938, to be administered as part of the Colonial National Historical Park. In 1981, the 0.23-acre site was threatened by shoreline erosion and the Cross was relocated onto Department of the Army land further back from shore for protection. At that time the Department of the Army agreed to issue a permit for the use of the new site.

H.R. 3556 gives the Department of the Interior jurisdiction over the 0.23 acre of land upon which the Memorial Cross is now situated. In exchange, the measure returns jurisdiction of the 0.23 acre former site of the Memorial Cross to the Department of the Army.

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Legislative History

H.R. 3556 was introduced by Representative Whitehurst on October 10, 1985. The measure passed the House of Representatives on March 11, 1986. The Subcommittee on Public Lands, Reserved Water and Resource Conservation held a hearing on H.R. 3556 on April 11, 1986.

At a business meeting on July 16, 1986, the Senate Committee on Energy and Natural Resources ordered H.R. 3556 favorably reported.

Committee Recommendations and Tabulation of Votes

The Senate Committee on Energy and Natural Resources, in open business session on July 16, 1986, by unanimous vote of a quorum present recommends that the Senate pass H.R. 3556.

The rollcall vote on reporting the measure was 17 yeas, 0 nays as follows:

YEAS	NAYS
Mr. McClure	
Mr. Hatfield*	
Mr. Weicker	
Mr. Domenici	
Mr. Wallop	
Mr. Warner	
Mr. Murkowski*	
Mr. Nickles	
Mr. Hecht	
Mr. Evans*	
Mr. Johnston	
Mr. Bumpers	
Mr. Ford	
Mr. Metzenbaum*	
Mr. Bradley*	
Mr. Bingaman*	
Mr. Rockefeller*	

*Indicates vote by proxy.

Cost and Budgetary Considerations

The following estimate of the cost of this measure has been provided by the Congressional Budget Office:

U.S. Congress,
Congressional Budget Office,
Washington, DC, July 22, 1986.

Hon. James A. McClure,
Chairman, Committee on Energy and Natural Resources, U.S. Senate, 358 Dirksen Senate Office Building, Washington, DC.

Dear Mr. Chairman: The Congressional Budget Office has reviewed H.R. 3556, an act to provide for the exchange of land for the Cape Henry Memorial site to Fort Story, Virginia, as ordered reported by the Senate Committee on Energy and Natural Resources, July 16, 1986. We estimate that no cost to the federal government

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or to state or local governments would result from enactment of this legislation.

H.R. 3556 would authorize the Secretary of the Interior to transfer administrative jurisdiction over 0.23 acres of land within the Colonial National Historical Park to the Department of the Army, in exchange for administrative jurisdiction over a like amount of land.

If you wish further details on this estimate, we will be pleased to provide them.

With best wishes,

Sincerely,

RUDOLPH G. PENNER, *Director.*

REGULATORY IMPACT EVALUATION

In compliance with paragraph 11(b) of Rule XXVI of the Standing Rules of the Senate, the Committee makes the following evaluation of the regulatory impact which would be incurred in carrying out H.R. 3556. The Act is not a regulatory measure in the sense of imposing Government-established standards or significant economic responsibilities on private individuals and businesses.

No personal information would be collected in administering the program. Therefore, there would be no impact on personal privacy.

Little, if any, additional paperwork would result from the enactment of H.R. 3556, as reported.

EXECUTIVE COMMUNICATIONS

The pertinent legislative reports received by the Committee from the Department of the Interior and the Department of the Army setting forth executive agency recommendations relating to H.R. 3556 are set forth below:

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, DC, July 23, 1986.

Hon. JAMES A. MCCLURE,
Chairman, Committee on Energy and Natural Resources, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: This responds to your request for our views on H.R. 3556, an act "To provide for the exchange of land for the Cape Henry Memorial site in Fort Story, Virginia."

We strongly recommend enactment of H.R. 3556, as passed by the House on March 11, 1986.

H.R. 3556 would authorize a land exchange between the Secretary of the Interior and the Secretary of the Army for the purpose of relocating the Cape Henry Memorial Cross, which commemorates the first landing of the English colonists who later established the Jamestown Colony in 1607.

The Cape Henry Memorial Cross was transferred from the Department of the Army to the Department of the Interior, to be administered as part of the Colonial National Historical Park, under the authority of the Joint Resolution approved June 15, 1938 (52 Stat. 695).

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In 1981, the 0.23-acre site was threatened by shoreline erosion, and the Cross was relocated onto Department of the Army land farther back from the shore for protection. At that time, the Department of the Army agreed to issue a permit for the use of the new site and to support the necessary legislation to exchange land with the Department of the Interior so that the National Park Service would have a site upon which to place the Memorial Cross.

H.R. 3556 would give the Department of the Interior jurisdiction over the 0.23 acre of land upon which the Memorial Cross is now situated, and would return jurisdiction of the 0.23-acre former site of the Memorial Cross to the Department of the Army, Fort Story Military Reservation. If enacted, this legislation would replace a special use permit which exists between the Department of the Army and the Department of the Interior for the use of this land.

The Office of Management and Budget has advised that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely,

P. DANIEL SMITH,
Deputy Assistant Secretary.

DEPARTMENT OF THE ARMY,
Washington, DC, April 11, 1986.

Hon. JAMES A. MCCLURE,
Chairman, Committee on Energy and Natural Resources, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: Reference is made to your request to the Secretary of the Army for the views of the Department of the Army on H.R. 3556, 99th Congress, engrossed enactment "To provide for the exchange of land for the Cape Henry Memorial site in Fort Story, Virginia." The Department of the Army has been assigned the responsibility for expressing the views of the Department of Defense on this bill.

The purpose of H.R. 3556 is to provide for the transfer of 0.23 acres of land by the Secretary of the Interior to the Secretary of the Army in exchange for a similar amount of land.

The Department of the Army, on behalf of the Department of Defense, has no objection to H.R. 3556.

The lands which are the subject of this bill are part of Fort Story Military Reservation, Virginia. The lands were acquired at the beginning of World War II for the expansion of the installation. The land proposed for conveyance to the Department of the Interior is currently used to accommodate the memorial at the Cape Henry Memorial Site. The memorial commemorates the placement of a cross at this site by the Jamestown settlers in 1607. The Department of the Interior has maintained a memorial in this area since 1939. In 1982, the memorial was moved to the current site from the site previously conveyed to Interior by the Army because of a shoreline erosion problem. H.R. 3556 would transfer administrative control of the current memorial site to the Department of the Interior.

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The enactment of this bill will cause no apparent increase in the budgetary requirements of the Department of Defense.

This report has been coordinated within the Department of Defense in accordance with procedures prescribed by the Department of Defense.

The Office of Management and Budget advises that, from the standpoint of the Administration's program, there is no objection to the presentation of this report for the consideration of the Committee.

Sincerely,

JOHN W. SHANNON,
Assistant Secretary of the Army (Installations and Logistics).

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of Rule XXVI of the Standing Rules of the Senate, the Committee notes that no changes in existing law are made by the Act H.R. 3556, as reported.

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